

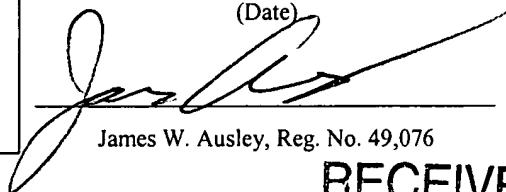
**TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321**

Applicant : AYRE et al.  
 Appl. No. : 09/980,682  
 Filed : August 15, 2002  
 For : ROTARY BLOOD PUMP AND  
 CONTROL SYSTEM THEREFOR  
 Examiner : LAYNO, Carl Hernandez  
 Art Unit : 3762

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

August 4, 2004

(Date)



James W. Ausley, Reg. No. 49,076

Commissioner for Patents  
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***Empowerment of Attorney***

Pursuant to 37 C.F.R. § 1.321(b) the undersigned attorney of record is empowered to act on behalf of the Assignee, Ventrassist Pty Limited and University of Technology, Sydney ("Assignees"), by virtue of a Power of Attorney executed on July 24, 2002 and July 25, 2002, a copy of which is attached.

***Right of Assignee and Ownership***

In accordance with 37 C.F.R. § 3.73(b), Assignees represent that they are the owner of a one hundred percent (100%) interest in the above-identified application and co-owned, co-pending, Application No. 09/299,038 (issued June 26, 2001 as U.S. Patent 6,250,880). The chain of title of the present application from the inventors to the Assignees is set forth in the Power of Attorney referred to above. The assignment of Application No. 09/299,038 (issued June 26, 2001 as U.S. Patent 6,250,880) is recorded at Reel No. 010087, Frame No. 0157 by the Assignment Branch of the Patent and Trademark Office. The Assignees represent that, to the best of Assignees' knowledge and belief, title is in the Assignees seeking to take action.

***Disclaimer by Assignees***

Assignees hereby disclaim, except as provided below, the terminal part of any patent granted on the above-referenced application that would extend beyond the expiration date of the full statutory term of any patent issuing from U.S. Patent Application No. 09/299,038 (issued June 26, 2001 as U.S. Patent 6,250,880), and hereby agree that any patent so granted on the above-identified

**Appl. No.** : 09/980,682  
**Filed** : August 15, 2002

application shall be enforceable only for and during such period that the instant application and any patent issuing from U.S. Patent Application No. 09/299,038 (issued June 26, 2001 as U.S. Patent 6,250,880) are co-owned. This agreement extends to any patent granted on the above-referenced application and shall be binding on its successors or assigns.

Assignees do not disclaim any terminal part of any patent granted on the above-referenced application prior to the earlier of the expiration date of the full statutory term of any patent issuing from U.S. Patent Application No. 09/299,038 (issued June 26, 2001 as U.S. Patent 6,250,880), and that of any patent issuing on the above-identified application in the event that either one later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

This Terminal Disclaimer is accompanied by the \$110 fee set forth in 37 C.F.R. § 1.20(d). Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: \_\_\_\_\_

8/31/04

By: \_\_\_\_\_

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